

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ING BANK, N.V.,

Plaintiff,

v.

M/V LIGARI, IMO No. 9279513, her  
engines, tackle, equipment, furniture,  
appurtenances, etc., *in rem*

Defendant.

IN ADMIRALTY

NO. 3:15-cv-05881-RBL

**ORDER GRANTING MOTION  
TO APPOINT SUBSTITUTE  
CUSTODIAN**

Plaintiff has moved this Court for an order appointing a substitute custodian for the defendant vessel M/V LIGARI. The Court, having reviewed plaintiff's motion, the declaration of the proposed substitute custodian, and having received the assent of the United States Marshal, IT IS HEREBY ORDERED THAT:

1. The vessel has been or will be arrested by the marshal;
2. The vessel is currently located at, or will soon be located at, Kalama, Washington on the Columbia River.
3. National Maritime Services, has agreed to assume the responsibility of safekeeping said vessel and has consented to act as her custodian until further order of this Court at the rate of \$425.00 per watchman for each twenty-four (24) hour period, other costs as outlined in Exhibit A to the declaration of William O'Dell, plus mileage and incidental expenses to be billed at prevailing federal rates. The substitute custodian will charge

ORDER APPOINTING SUBSTITUTE  
CUSTODIAN - 1  
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SEATTLE, WASHINGTON 98121-2320  
(206) 443-3400

1 moorage at the rate currently charged at its present location if not paid directly by the vessel  
2 and/or its owners;

3 4. The proposed custodian has no interest in the outcome of the action in which  
4 the vessel is or will be under arrest;

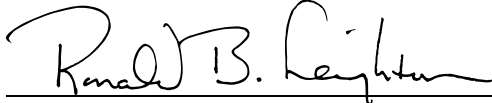
5 5. No person except the appointed substitute custodian and its agents will be  
6 allowed to enter the vessel except as necessary for adequately safekeeping and protect the  
7 vessel, and except as may be expressly ordered by this Court;

8 6. The moving party and/or substitute custodian has obtained the insurance  
9 coverage required by the applicable Court rules;

10 7. The moving party agrees to release the United States and the marshal from any  
11 and all liability and responsibility arising out of the care and custody of the vessel, from the  
12 time the marshal transfers possession of the vessel to the substitute custodian until the vessel  
13 is released or sold, and agrees to hold harmless and indemnify the United States and the  
14 marshal from any and all claims whatsoever arising out of the substitute custodian's  
15 possession and safekeeping;

16 8. The proposed substitute custodian accepts appointment as substitute custodian  
17 and possession of the vessel and will safely keep the vessel for the duration of the  
18 appointment as substitute custodian.

19 **SO ORDERED** and **SIGNED** this 4<sup>th</sup> day of December, 2015 at Tacoma, Washington.

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24 Ronald B. Leighton  
25 United States District Judge  
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1 Presented by:

2  
3 BAUER MOYNIHAN & JOHNSON LLP

4 /s/Thomas G. Waller

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Attorneys for Plaintiff

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ORDER APPOINTING SUBSTITUTE  
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